**REMARKS**

Claims 1-18 are pending in the instant application. Claims 1-18 have been subjected to the following Restriction Requirement:

Group I, claims 1-6, 8-10, 16 in part and 18 in part, drawn to polynucleotide, classified in Class 536, subclass 23.1 and 24.1;

Group II, claims 11-12, 16 in part and 18 in part, drawn to a polypeptide, classified in Class 530, subclass 300;

Group III, claim 13, drawn to an antibody, classified in Class 435, subclass 7.1;

Group IV, claim 7 and 15 in part, drawn to a method of determining the presence of a cancer using a polynucleotide, classified in Class 435, subclass 6;

Group V, claims 14 and 15 in part, drawn to a method of diagnosing a cancer using polypeptides, classified in Class 435, subclass 4 or 7.1; and

Group VI, claim 17, drawn to methods of treating a cancer patient using polynucleotide or polypeptide, classified in Class 514, subclass 2 or 44.

The Examiner suggests that Groups I-VI are independent/ distinct, each from the other. In particular, the Examiner

suggests that the polypeptides of Group II, the polynucleotides of Group I, and the antibodies of Group III are patentably distinct inventions because they are structurally distinct molecules. The Examiner has acknowledged Group I and Groups IV and VI and Group II and Group V and VI to be related as product and process of use. However, the Examiner suggests that these Groups are distinct because the nucleotides and proteins can be used in materially different processes. Further, the Examiner suggests that Group I or III and V, Group II or III and IV and Group III and VI are unrelated because the product is not disclosed as capable of being used or otherwise involved in the processes. Finally, the Examiner suggests that while Groups IV, V and VI are directed to related processes, they are distinct because they involve different steps and reagents and produce different results.

Further, the Examiner suggests that each of these Groups reads on patentably distinct sequences and that Applicants must further elect a single sequence.

Applicants respectfully traverse this Restriction Requirement.

MPEP § 803.04 clearly states that a reasonable number of nucleotide sequences, normally ten sequences, can be claimed in a

single application. Clearly, limitation to a single polynucleotide or amino acid sequence should not be required.

Further, MPEP §803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there would be a serious burden on the Examiner if the restriction is not required. A proper search of the prior art relating to the polynucleotides of Group I should also reveal art relating to the polypeptides in Group II as well as antibodies related thereto and uses thereof as set forth in the claims of Groups III though VI. Thus, it does not appear that a serious burden would be placed upon the Examiner if restriction were not made.

Accordingly, the instant Restriction Requirement does not meet the criteria as set forth in MPEP § 803 to be proper and withdrawal of this sequence election requirement and rejoinder of claims 1-18 into a single application is respectfully requested.

However, in an earnest effort to be completely responsive, Applicants elect Group I, claims 1-6, 8-10, 16 in part and 18 in part, with traverse. Further Applicants elect SEQ ID NO:36 encoding SEQ ID NO:194, with traverse.

Applicants believe that the foregoing comprises a full and

Attorney Docket No.: **DEX0477US.NP**
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complete response to the Office Action of record.

Respectfully submitted,

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Date: **July 14,2006**

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